



Entered on Docket  
September 23, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Seventh Omnibus  
Objection Of USACM Trust To Proofs Of  
Claim Based In Part Upon Investment In  
The Gess Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Seventh Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Gess Loan," ("Gess Loan") [DE 8636] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the

1 Claims listed on **Exhibit A** does not affect the direct lenders' right to repayment by the  
2 borrower or from the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8636] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Gess Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
6425 Gess, Ltd.  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, LTD Loan</b>
10725-00790	10/27/2006	Finnman Family Trust Dtd 4/4/94	Martha Ann Lutz Successor Ttee 2712 Eastern Pkwy Winterpark, FL 32789	350,000.00	150,000.00
10725-02143	1/11/2007	Freedus, Michael	2535 Lake Rd Delanson, NY 12053	711,624.20	50,000.00
10725-01994	1/10/2007	Gilbert Jr, Elmer Eugene	81590 Chenel Rd Folsom, LA 70437-5414	455,240.56	50,000.00
10725-01541	12/7/2006	Graham Family Trust Dtd 10/26/78	Robin B & Celia Allen Graham Ttees 1460 Twinridge Rd Santa Barbara, CA 93111-1223	503,808.00	25,000.00
10725-02049	1/11/2007	Hart, Kay J	455 Magnolia Ave Fairhope, AL 36532	606,211.16	100,000.00
10725-02292	1/12/2007	Helms Homes LLC	Terry Helms 809 Upland Blvd Las Vegas, NV 89107-3719	12,697,934.44	2,000,000.00
10725-01863	1/8/2007	Hubbard Trust Dtd 7/29/98	C/O George W Hubbard And Carol N Hubbard Trustees 6340 N Calle Tregua Serena Tucson, AZ 85750-0951	162,500.00	18,750.00
10725-01870	1/5/2007	Jamie Kefalas Trust	C/O Francis Howard Trustee 7 Commerce Center Dr Ste A Henderson, NV 89014	125,000.00	75,000.00
10725-02375	1/16/2007	John J & Diane M Maguire Living Trust Dtd 8/4/00	John J & Diane M Maguire Ttees 5590 San Palazzo Ct Las Vegas, NV 89141-3913	202,500.38	50,000.00
10725-02327	1/13/2007	John L Wade Trust Dtd 5/8/01	C/O John L Wade Trustee 881 Lake Country Dr Incline Village, NV 89451-9042	1,500,000.00	80,000.00

**EXHIBIT A**

2418603.1